

*Law Offices of Susan G. Kellman
25 Eighth Avenue
Brooklyn, New York 11217*

Telephone: (718) 782-8200

Telex: (718) 783-8226

*Fellow, American College
Of Trial Lawyers*

e-mail: kellmanesq@aol.com

May 20, 2014

VIA: ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: U.S. v. Arthur Azen
13-cv- 268(JMF)

Dear Judge Furman:

I write to enlist the Court's assistance regarding the return of property taken from Mr. Azen's home at the time of his arrest. For several months I have been engaged in an ongoing dialogue with the government regarding the return of items that were seized from Mr. Azen's home during his arrest, but belong to family members and have no connection to the above-referenced matter. For example, the agents seized: (1) Mr. Azen's son's laptop computer – the computer upon which he does his HS homework; (2) I-pads that belong to Mr. Azen's wife and son and are filled with books, photos and other personal materials; and (3) Mrs. Azen's jewelry. Additionally, the agents seized Mr. Azen's coin collection.¹

I have written to and spoken with government counsel about the return of these items and the need for an appraisal repeatedly over the past several months. The government has never objected to the return of the personal property described above; however, months later we are no closer to the return of the property and the government no longer responds to my e-mails regarding this subject. Further, at least as far as counsel is aware, there has been no follow up regarding an appraisal of the coin collection.

¹ Mr. Azen has agreed to forfeit the coin collection; however, the collection has not been appraised though its value could have a formidable impact on Mr. Azen's forfeiture obligation.

Additionally, counsel asked the government to consent to a modification of Mr. Azen's bail conditions so as to eliminate his electronic monitoring until he surrenders; alternatively, Mr. Azen has requested the opportunity to leave his home for a few hours a day – so that he can say goodbye to relatives and friends, go to the gym, have dinner out with his family and stretch his legs. Mr. Azen has been confined to his home for more than a year. During this time he has been fully compliant with the terms of his release. Further, on the two occasions during which the Court granted him an overnight stay to be with his sons, his travels were without incident. I have discussed my client's compliance with his PreTrial Officer Dennis Kolkevich many times and he has consistently reported that Mr. Azen has been completely compliant. Notwithstanding, the government, without explanation, has opposed any modification of Mr. Azen's bail conditions beyond the two days previously approved by Your Honor.

Accordingly, we respectfully request that the Court direct that: (1) the Azen family's personal property is returned forthwith; (2) Mr. Azen's coin collection be appraised by a certified coin appraiser and that a report of the appraisal be delivered to the Court within 30 days of its order; and (3) Mr. Azen's bail conditions be modified to permit him to spend his remaining weeks without electronic monitoring, or, in the alternative, that he be permitted to leave his home from 10am-5pm daily, with daily reporting to PTS.

The Court's attention to this matter is greatly appreciated.

Respectfully submitted,

Susan G. Kellman

Susan G. Kellman

cc: Joshua Naftalus, Esq.
Asst. United States Attorney

PTO Dennis Kolkevich
Via ECF

Arthur Azen
Via e-mail